



81342

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Robert Bernstein Art Unit: 3622
Serial No.: 09/777,098
Filed: February 5, 2001
For: METHOD AND APPARATUS FOR
IDENTIFYING CUSTOMERS FOR
DELIVERY OF PROMOTIONAL MATERIALS
Examiner: Carlson, J.
Attorney
Docket No.: 81342

DECLARATION UNDER 37 CFR §1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

DECLARATION

I, Robert Bernstein, a citizen of the United States, do hereby declare as follows.

- 1) That I reside at 91 Meadow View Drive, Northfield, Illinois 60093.
- 2) That I am the sole inventor of the above-identified patent application.
- 3) That I originally conceived the idea of distributing promotional materials from a third-party database, as described in the above-identified patent application, in the early part of 2000.
- 4) That it occurred to me that conventional methods of distributing promotional materials to consumers were grossly inefficient.

- 5) That it occurred to me that the inefficiencies were due to the difficulty in matching promotional materials with consumers who actually have an interest in such materials.
- 6) That it also occurred to me that conventional methods of collecting consumer information fails to portray the true scope of a consumer's interests.
- 7) That it occurred to me that if promotional materials could be matched with a consumer who had an interest in the materials, then the consumer may be willing to participate in and contribute to the process that delivers such information.
- 8) That it occurred to me that consumers may actually want to provide information about their preferences if such information could be protected.
- 9) That it occurred to me that a third-party database would be necessary to accumulate consumer information in order to protect the information and to avoid the perception that any one vendor or payment organization had an advantage over another vendor or payment organization.
- 10) That I described my completed invention in detail to my wife Joanne Bernstein during an extended hike through Johnson Canyon near Lake Louise, Canada prior to July 31, 2000 as evidenced by the attached Declaration by her. As described in paragraphs 4-10 of my wife's Declaration, my description described a computer-based method of identifying potential customers for delivery of promotional materials from vendors. I explained that the method uses a third-party database that collects data files about customers sometimes at the request of, and directly from, the customers and that the third-party database is separate from any vendor. I explained that vendors may provide customer profiles to the third party database for targeting potential customers for delivery of the promotional materials, that the customer profile may be based upon a geographic locale of potential customers, upon a subject matter of actual purchases and/or customer preferences. I explained that a comparator within the database of the third party searches the customer files within the database and identifies customers that match the customer profile and where, in order to preserve customer privacy, customer data is released to the vendor in summary form only. I explained that promotional materials may be forwarded to the identified customers by either the database or vendor. I explained that promotional materials may be forwarded by detecting a purchase by an identified customer and printing out coupons at a point of sale or by e-mailing the coupon to the customer.
- 11) That the attached copy of my credit card invoice shows my presence at the Lake Louise Post Hotel at the time of disclosure to my wife.
- 12) That the attached copy of my personal calendar shows that the hike through Johnson Canyon occurred at that time.
- 13) That in October 2000, I contacted Mr. Jon Christensen of Welsh & Katz, Ltd. to begin preparing the above-identified patent application on my invention.

14) That in December of 2000, I sent an e-mail to Mr. Christensen setting forth many of the salient features of my invention.

15) That Mr. Christensen proceeded to prepare a patent application based upon my e-mail of December 2000 and upon subsequent discussions that I had with Mr. Christensen.

16) That the above-identified patent application was filed on February 5, 2001.

17) I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon, or any patent to which this declaration is directed.

Respectfully submitted,

Date: 8/4/2006

Robert Bernstein
Robert Bernstein

ACCOUNT SUMMARY		ACCOUNT ACTIVITY	
Account Number	4388 5230 2904 3556	Previous Balance	\$3,463.74
Total Credit Line	\$11,000	Payments	\$12,213.74
Total Available Credit	\$2,539	Other Credits	\$0.00
Cash Limit	\$5,500	Purchases	\$17,210.16
Cash Available	\$2,539	Cash Advances	\$0.00
Amount Past Due/Overlimit	\$0.00	Other Debits/Fees	\$0.00
Statement Closing Date	08/21/00	FINANCE CHARGE	\$0.00
New Balance	\$8,460.16	NEW BALANCE	\$8,460.16
Payment Due Date	09/15/00		
MINIMUM PAYMENT DUE	\$148.00		

\$8,460.16 #1187 JKS
\$2,000.00 #103 which

FOR INFORMATION ON YOUR CREDIT CARD	
Please send inquiries to: P.O. BOX 8650 WILMINGTON DE 19899-8650 Please send additional payments to: P.O. BOX 50882 HENDERSON NV 89016-0882	For account information, please call 1-800-537-7783 24 hours a day 1-888-446-3308 (en Espanol) www.firstusa.com

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TRANSACTIONS					
Tran Date	Post Date	Description	Reference Number	Debits	Credits
07/21	07/22	SHELL NO.21236060121 HIGHLAND PARK IL	2429910JV02EJF0D3	20.15	
07/22	07/22	FOODSTUFF INC. PARK AVE GLENCOE IL	2412156JXEK5B802B	44.61	
07/22	07/22	TILLS CHICAGO IL	2432684JX8B2REH5Y	69.16	
07/24	07/24	TL FRITTS SPORTING GOODS WINNETKA IL	2411039JZ07ZJAHHL	14.00	
07/24	07/24	WALGREEN 00001656 WINNETKA IL	2439900JY44AWK7WW	42.73	
07/29	07/29	POST HOTEL, THE LAKE LOUISE CD	7450200K5SSRDJ8EN	1,083.56	
		CA DOLLAR 1592.95 X 0.680222229	- 07/29		
08/01	08/01	RIMROCK HOTEL BANFF CD	7450200K7SSRDJ8LS	483.07	
		CA DOLLAR 708.16 X 0.682148102	- 08/01		
08/02	08/02	TAIFUKO JAPANESE RESTAURA WINNETKA IL	2440369K8S66PFFW1	31.90	
08/02	08/02	GRAND FOODS 1-2980 S59 WINNETKA IL	2445501K70L8XVDBQ	24.77	
08/03	08/03	SUNSET #01 SN6 HIGHLAND PARK IL	2444572K9726FF03G	78.71	
08/04	08/04	WOLF CAMERA #831 NORTHBROOK IL	2461043KB0X5F0L09	27.44	
08/06	08/06	AMOCO 01321512 WINNETKA IL	2416407KQP8AJYAYW	22.62	

July 2000

Thursday 27

Peyto Lake
view point +
hike up to view
Bow Lake (unmarked)
old road
Athabasca glacier

Yoho Natl Park:

Friday 28

Takakah Falls
Emerald Lake -
walk around (level)

Personal J1LOFAX Ref. F310221400
© 1998

aylor Lake Hike
unmarked from road!

Saturday 29

Rimrock Hotel
Conf # 1827116
800-461-1587

Buffalo
Houses
Lake
Houses

Johnston Canyon hike

Sunday 30

Santa - Vermilion Lake

WK	M	T	W	T	F	S	S
26						1	2
27	3	4	5	6	7	8	9
28	10	11	12	13	14	15	16
29	17	18	19	20	21	22	23
30	24	25	26	27	28	29	30
31	31						

Massa Restaurant
Houses


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Examiner: Carlson, J.

Attorney
Docket No.: 81342

DECLARATION UNDER 37 CFR §1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

DECLARATION

I, Joanne Bernstein, a citizen of the United States, do hereby declare as follows.

- 1) That I reside at 91 Meadow View Drive, Northfield, Illinois 60093.
- 2) That I am the wife of Robert Bernstein, who is the sole inventor of the above-identified patent application.
- 3) That my husband first discussed his invention in detail with me during an extended hike through Johnson Canyon near Lake Louise, Canada.

4) That my husband described his invention as a method of identifying consumers for delivery of promotional materials from vendors.

5) That my husband said that his method uses a third-party database that is separate from any vendor and that the third-party database collects data files about customers sometimes at the request of, and directly from, the customers.

6) That my husband said that vendors provide customer profiles to an operator of the third party database for targeting potential customers for delivery of the promotional materials and that the customer profile may be based upon a geographic locale of potential customers, upon a subject matter of actual purchases and/or customer preferences.

7) That my husband said that a comparator within the database of the third party searches the customer files within the database and identifies customers that match the customer profile and where, in order to preserve customer privacy, customer data is released to the vendor in summary form only.

8. That my husband said that promotional materials are forwarded to the identified customers by either the database or vendor.

9) Other parts of the invention described by my husband include detecting a purchase by an identified customer and printing out coupons at a point of sale or e-mailing the coupon to the customer.

10) I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the

application or any patent issuing thereon, or any patent to which this declaration is directed.

Respectfully submitted,

Date: August 4, 2006

Joanne Bernstein
Joanne Bernstein